

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JASON DANTE,

Plaintiff,

vs.

CIV 20-0702 KBM

KILOLO KIJAKAZI,
Acting Commissioner of
Social Security,

Defendant.

**ORDER GRANTING DEFENDANT'S UNOPPOSED MOTION
TO REMAND FOR FURTHER ADMINISTRATIVE PROCEEDINGS**

Defendant, the Acting Commissioner of Social Security (Commissioner), by and through her counsel, has filed an unopposed motion with this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the case to the Commissioner for further administrative proceedings (*Doc. 34*).


Plaintiff does not oppose the requested relief. *Id.* To remand under sentence four of 42 U.S.C. § 405(g), however, the Court must review the record and determine whether the ALJ's decision is supported by substantial evidence, or whether the ALJ correctly applied the law relevant to the disability claim. *Nguyen v. Shalala*, 43 F.3d 1400, 1403 (10th Cir. 1994). If not, reversal is appropriate. *Id.*

Having reviewed the record in light of the issues raised in Plaintiff's Motion to Remand, the Court finds that the ALJ's decision is not supported by substantial

evidence and that the ALJ did not apply the correct legal standards in determining that Plaintiff is not disabled.

Therefore, pursuant to the power of this Court to enter a judgment reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), this Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand to the Commissioner for further administrative proceedings. See *Shalala v. Schaefer*, 509 U.S. 292 (1993).

Dated: December 12, 2021.



HONORABLE KAREN B. MOLZEN
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent